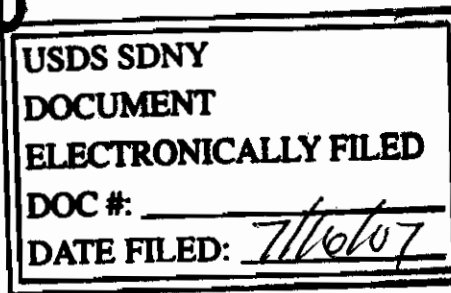
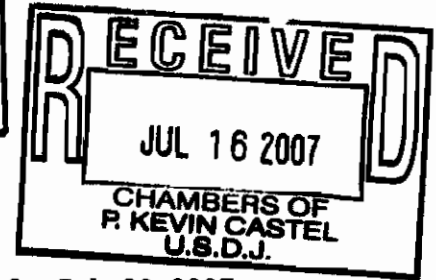


MEMO ENDORSED

The Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2260
New York, NY 10007



July 13, 2007



Re: Essex Ins. Co. v. Carnival Corp., 07 CIV 4653 (PKC)
Request for Adjournment of Initial Pretrial Conference Scheduled for July 20, 2007

Dear Judge Castel,

The parties in the above referenced Action, by and through their attorneys Cozen O'Connor and Dickstein Shapiro LLP, jointly request an adjournment of the initial pretrial conference scheduled for July 20, 2007.

On June 1, 2007, Plaintiff Essex Insurance Company ("Essex") filed the Complaint in this Action against Defendant Carnival Corporation ("Carnival"). On June 11, 2007, this Court issued an Order Scheduling the Initial Pretrial Conference, directing all parties in this Action to appear before this Court on July 20, 2007 for an initial pretrial conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure. On June 29, 2007, eighteen (18) days after this Court issued its Order Scheduling the Initial Pretrial Conference and twenty-eight (28) days after Plaintiff Essex filed the Complaint, Plaintiff Essex served the Summons and Complaint upon Defendant Carnival.

Under Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, Carnival's response to Essex's Complaint would be due on or about July 19, 2007. Counsel for Carnival and Essex have stipulated to extend Carnival's deadline to respond to the Complaint to August 15, 2007. Because Carnival has not yet submitted, and is not obligated until August 15, 2007, to submit, its response to Essex's Complaint, the parties believe that the date of July 20, 2007 for the Initial Pretrial Conference is premature. Moreover, the parties have agreed in principle to attempt to resolve this dispute through mediation within the next few months, and currently are exploring the logistics associated with mediation. If that mediation is successful, there will not be a need to have an initial pretrial conference at all.

The parties have not made any previous requests for an adjournment. However, the parties are together filing on this day, July 13, 2007, a Stipulation and Order Extending Carnival's Time to Respond to the Complaint. The Court has not yet signed the Stipulation and Order.

Both parties consent to and together jointly make this request for an adjournment of the scheduled initial pretrial conference, and respectfully request that the Court adjourn the Initial Pretrial Conference and reschedule it for a date after September 15, 2007, by which time Carnival will have responded to the Complaint and the parties will have engaged in mediation.

*Conference adjourned from 21
July 20 to September 15, 2007 at
9:30 a.m. SO ORDERED
P. Kevin Castel USDS
7-16-07*

07/16/07

Respectfully submitted,

COZEN O'CONNOR
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